



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,607	02/19/2004	Colleen Nielson	E1972-00001	5138
8933	7590	10/14/2005	EXAMINER	
DUANE MORRIS, LLP IP DEPARTMENT 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103-4196			CARTER, WILLIAM JOSEPH	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

11A

<b>Office Action Summary</b>	<b>Application No.</b> 10/782,607	<b>Applicant(s)</b> NIELSON, COLLEEN	
	<b>Examiner</b> William J. Carter	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 4 is objected to because of the following informalities:

In claim 4, the "said plurality of fixed components" lacks antecedent basis, because the "at least one fixed component" of claim 1 is not a "plurality."

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 10, 13-15, 18, 22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Westfall (6,663,259).

With respect to claim 1, Westfall teaches a reconfigurable apparatus comprising one of a household lighting apparatus (item 10 coupled with item 28) and a home accessory and including at least one fixed component (10), and a plurality of interchangeable decorative adornments (figures 5-11), each including a magnet (column 3, lines 49-52) and being magnetically coupled to a portion of said apparatus.

As for claim 2, Westfall shows the apparatus (item 10 coupled with item 28) comprises a lamp (28).

As for claim 3, Westfall teaches the plurality of interchangeable decorative adornments comprise a first set of interchangeable decorative adornments (any of figures 5-11) that provide a first appearance to the apparatus (item 10 coupled with item 28) and further comprising a second set of interchangeable decorative adornments (any of figures 5-11) magnetically engageable (column 3, lines 49-52) with the apparatus to provide a second appearance.

As for claim 4, Westfall shows the apparatus comprises a fixture (item 10 coupled with item 28) and the plurality of fixed components include light sources (30).

As for claim 5, Westfall shows the plurality of interchangeable decorative adornments of at least one of different colors and differed shapes (figures 5-11).

As for claim 6, Westfall shows the interchangeable decorative adornments of the plurality of interchangeable decorative adornments (figures 5-11) are attachable to multiple locations (anywhere on item 12) to provide multiple configurations to the apparatus (item 10 coupled with item 28).

As for claim 7, Westfall teaches a plurality of fixed components (10, 28) and a plurality of interchangeable decorative adornments (figures 5-11), each including a magnet and being magnetically coupled (column 3, lines 49-52) to a portion (12) of the decorative lighting unit (item 10 coupled with item 28).

As for claim 10, Westfall shows the plurality of interchangeable decorative adornments (figures 5-11) includes interchangeable decorative adornments of at least one of different colors and different shapes (figures 5-11).

As for claim 13, Westfall shows the interchangeable decorative adornments (figures 5-11) of the plurality of interchangeable decorative adornments are attachable to multiple locations (anywhere on item 12) to provide multiple configurations to the decorative lighting unit (item 10 coupled with item 28).

As for claim 14, Westfall teaches the plurality of interchangeable decorative adornments (figures 5-11) provide a first appearance to the decorative lighting unit (item 10 coupled with item 28) and are repositionable on the decorative lighting unit to provide a second appearance to the decorative lighting unit (column 4, lines 52-57).

As for claim 15, Westfall teaches a method for cleaning a decorative lighting unit comprising: providing a decorative lighting unit with a plurality of removable adornments (figures 5-11), each including a magnet and magnetically coupled (column 3, lines 49-52) to the decorative lighting unit (item 10 coupled with item 28); removing the plurality of removable adornments by pulling to disengage the magnet; cleaning the plurality of removable adornments; and recouping the plurality of removable adornments to the decorative lighting unit. Westfall teaches all of the disclosed elements, which are assembled as claimed, thus the method is inherently taught.

As for claim 18, Westfall teaches an interchangeable adornment (figures 5-11) including at least one decorative portion and a magnet and being magnetically attachable (column 3, lines 49-52) to a plurality of corresponding metal portions

Art Unit: 2875

(anywhere on item 12) of at least one decorative lighting unit (item 10 coupled with item 28).

As for claim 22, Westfall shows the interchangeable decorative adornment includes a plurality of decorative portions having at least one of a different shape and a different color (figures 5-11).

As for claim 24, Westfall shows the set of interchangeable decorative adornments include adornments having at least one of different colors and shapes (figures 5-11).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westfall in view of McDermott (5,655,308).

With respect to claims 8 and 20, Westfall teaches all of the claimed elements, as disclosed above, except for the magnet comprises a rare earth magnet. McDermott, drawn to using magnets in lighting, teaches the use of a rare earth magnet (50). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the rare earth magnet of McDermott in the decorative lighting unit of Westfall, in order to provide a powerful and lightweight magnetic connection (column 7, lines 9-10).

Claims 9, 12, 16, 17, 19, 21, and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Westfall in view of Bayer (6,712,490).

With respect claims 9, 16, 17, and 19, Westfall teaches all of the claimed elements, as disclosed above, except for the decorative lighting unit comprises a chandelier. Bayer, drawn to lighting, teaches the use of a chandelier (2) as a decorative lighting unit. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the chandelier of Bayer as the lighting unit in the decorative lighting unit of Westfall, in order to create a more aesthetically pleasing lighting unit. As for claims 16 and 17, Westfall teaches all of the disclosed elements, which are assembled as claimed, thus the method is inherently taught.

As for claims 12, 21, and 23, Westfall teaches all of the claimed elements, as disclosed above, except for the decorative adornment being formed of crystal and the adornment being coupled by one of string, wire, metal links, and a metal chain. Bayer teaches decorative crystal adornments couple by wire in a decorative lighting unit (column 1, lines 19-23). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the crystal adornments of Bayer in the decorative lighting unit of Westfall, in order to provide and overall decorative appearance (column 1, lines 17-19).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Westfall in view of Azeredo et al. (6,079,855).

With respect to claim 11, Westfall teaches all of the claimed elements, as disclosed above, except for the plurality of interchangeable decorative adornments

Art Unit: 2875

including at least one interchangeable decorative adornment formed of multiple pieces. Azeredo, drawn to decorative lighting, teaches decorative adornments formed of multiple pieces (2, 3, and 31). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the decorative adornments of Azeredo in the lighting unit of Westfall, in order to be able to decorate a wide variety of lamp shade sizes, shapes, and fabric types (column 2, lines 35-38).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Carter whose telephone number is (571)272-0959. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee S. Luebke can be reached on (571)272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

wjc  
09/28/05



RENEE LUEBKE  
PRIMARY EXAMINER